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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/542,343	04/05/2000	Yasuyuki Ogawa	35.C14412	6884
5514	7590	08/25/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO			HENN, TIMOTHY J	
30 ROCKEFELLER PLAZA			ART UNIT	PAPER NUMBER
NEW YORK, NY 10112			2612	

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/542,343	OGAWA, YASUYUKI	
	Examiner	Art Unit	
	Timothy J. Henn	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 08 June 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-3,5-10 and 12-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-3,5-10 and 12-18 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 02 July 2004 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/8/05</u> . | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see supplemental response, filed 08 June 2005, with respect to the rejection(s) of the claim(s) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Anderson in view of Nakaya et al.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1-3, 5-10 and 12-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. (US 5,693,255) in further view of Nakaya et al. (US 5,949,484).

[claim 1]

Regarding claim 1, Anderson discloses an image processing apparatus comprising: recording means for recording given image data or data other than image data in a recording medium (Figure 4, Item 52); display means for displaying an image (Figure 4, Item 18; c. 7, ll. 1-7); a display unit for indicating that a process is being executed, the display unit having a lower power consumption than the display means (Figure 4, Item 10; c. 6, ll. 63-67); power supply means for supplying electric power to the display means and the display unit (Figure 3); judging means for judging during writing of the image data or data other than the image in a recording medium the state

of the power supply (Figure 5); and recording control means for inhibiting a new image or data other than the new image from being recorded after completion of writing to the recording means when a judging result of the judging means in relation to a battery capacity level is affirmative (Figure 5; c. 7, ll. 14-59). However, Anderson lacks reducing power to the display means when the supply capacity of the power supply becomes smaller than the first capacity, wherein when the power supply control means reduces the electric power to be supplied to the display means, the display unit is used to display that a process is being executed.

The examiner notes that Anderson does not specifically disclose the use of backlight in the display means or display unit. Official Notice is taken that it is notoriously well known in the art to include backlights for LCD displays to make the displays easier to read. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a backlight with the displays of Anderson to make the displays easier to read.

Nakaya discloses that in order to save electric power of a commercially available portable apparatus, the backlight of a LCD can automatically be darkened when a remaining amount becomes smaller than a constant amount. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include means for automatically darkening the backlight amount of the LCDs of Anderson in order to save electric power. The examiner notes that since Anderson discloses a number of power levels and only inhibits new image data from being captured as a last resort in preparation for power failure, it would be obvious to one of

ordinary skill in the art to apply the power saving technique of Nakaya to a higher power level in order to allow the camera operator to capture more pictures.

[claim 2]

Regarding claim 2, Anderson discloses displaying the state of the camera on a LCD (c. 6, ll. 63-67). Official Notice is taken that it is notoriously well known to display remaining amount of battery using a multi-segment display bar where each bar indicates a percentage of the battery life. In such a system, when the batter falls below a certain threshold, a bar is turned off to inform or "warn" to the user of the remaining battery capacity. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to "warn" or inform the user of the remaining battery capacity. The examiner notes that this process would start at a "second capacity" which is far above the first capacity at which the image display would be turned off.

[claim 3]

Regarding claim 3, note that the display of Anderson which displays the warning (i.e. status of the camera) is different from the display means for displaying the image (Figure 4).

[claim 5]

Regarding claim 5, Anderson discloses a power source which is a battery (c. 5, ll. 29-42).

[claim 6]

Regarding claim 6, Anderson discloses a recording means which is detachable from an apparatus main body (e.g. a memory card; Figure 4).

[claim 7]

Regarding claim 7, Anderson lacks output means to output the image data to an external apparatus. Official Notice is taken that it is notoriously well known in the art to include output means in digital cameras to allow the camera to output the taken images to an external apparatus such as a computer for permanent storage. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include output means as claimed in order to output images from the camera of Anderson in view of Nakaya for permanent storage on an external apparatus.

[claims 8-10 and 12-14]

Claims 8-10 and 12-14 are method claims corresponding to apparatus claims 1-3 and 5-7. Therefore, claims 8-10 and 12-14 are analyzed and rejected as previously discussed with respect to claims 1-3 and 5-7.

[claims 15/8-15/10 and 15/12-15/14]

In regard to claims 15/8-15/10 and 15/12-15/14 note that Anderson discloses the use of software to provide camera control (c. 7, ll. 7-14; c. 9, l. 41 - c. 10, l. 28).

[claims 16 and 17]

In regard to claims 16 and 17, it is noted that claims 1 and 2 disclose all limitations of claims 16 and 17 with the addition of a display device. Therefore, claims 16 and 17 are analyzed and rejected as previously discussed with respect to claims 1 and 2. The office further notes that claims 16 and 17 contain the limitation "wherein

power consumption of said another display unit is lower than power consumption of the image processing apparatus". This limitation is inherent in the system of both the claim and the camera of Anderson. Since the display device is only one component of an overall system including multiple components, the display device must have a lower power consumption than the overall system which includes the display device.

[claim 18]

In regard to claim 18 note that Anderson in view of Nakaya discloses all limitations, see claims 1 and claim 15.

Conclusion

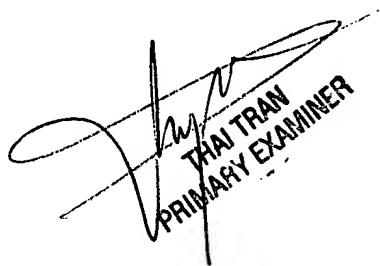
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy J. Henn whose telephone number is (571) 272-7310. The examiner can normally be reached on M-F 9:00 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy R. Garber can be reached on (571) 272-7308. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2612

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TJH
8/18/05



A handwritten signature in black ink, appearing to read "TJH". To the right of the signature, the name "THAI TRAN" is printed vertically, followed by "PRIMARY EXAMINER" below it.